

# KENTUCKY BOARD OF RESPIRATORY CARE

## MINUTES

December 12, 2019

A meeting of the Kentucky Board of Respiratory Care was held on Wednesday, August 15, 2019 at Keeneland Meeting Room, Lexington Residence Inn, 3110 Wall St. Lexington, KY 40513

### MEMBERS PRESENT

Tom Baxter, RRT, Chair  
William Garrison, RRT, Vice Chair  
Darrell Heckman, Citizen at Large  
James McCormick, MD  
Ken McKenney, RRT  
Timothy Roark, RRT

### KBRC STAFF

Tamara G McDaniel, Executive Director  
Rick L. Rose, Administrative Assistant  
  
Carson Kerr, Legal Counsel

### Call to Order

Chair Tom Baxter called the meeting to order at 6:07pm.

### Minutes

Dr. McCormick made a motion to accept the meeting minutes of October 17, 2019. Mr. Roark seconded the motion. Motion carried unanimously.

### Financial Statement

Ms. McDaniel presented the 2019 year-to-date financial report and budget report. Mr. McKenney made a motion to accept the financials Mr. Garrison seconded the motion. Motion carried unanimously.

### Staff Report

Ms. McDaniel and Mr. Rose gave an update on activities since the last meeting. Mr. Rose reported that renewals began on November 1, 2019.

### Old Business

- a. A discussion was held regarding the AARC Issue Paper and Executive Summary "Entry level to Respiratory Therapy Practice 2030". Ms. McDaniel reported that there is no information from the NBRC or CoARC regarding this change. If changes are made by the NBRC and or CoARC, changes would need to be made to our statute, KRS 314A.
- b. Ms. McDaniel reported on the proposed regulatory changes. The Administrative Regulation Review Subcommittee heard the regulation on November 12th. The Joint Committee on Licensing, Occupations and Administrative Regulations will next hear the regulation.

### **Closed Session**

Mr. Garrison made a motion for the Board to go into closed session, pursuant to KRS 61.810(1) (c) and (j), to discuss proposed or pending litigation and to deliberate regarding individual adjudications. Dr. McCormick seconded the motion. The motion carried unanimously.

Mr. Garrison made a motion to come out of closed session; seconded by Dr. McCormick. Motion carried unanimously.

### **Agreed Orders – Compliant Cases**

#### **Wendall Embry**

As approved at the meeting of October 17, 2019, a letter was sent to Mr. Embry reminding him that he must strictly adhere to the guidelines of KYPRN.

KYPRN reported for this meeting that Wendall Embry had another positive test for alcohol. Mr. Garrison made a motion that since the letter was received by Mr. Embry after the positive test, to take no action at this time. Mr. Roark seconded the motion. Motion carried unanimously.

Mr. McKenney recused from all discussion and vote on the matter.

#### **Johnna Jervis**

KYPRN reported Johnna Jervis is compliant. No action on the case.

#### **Marion Johnson**

Ms. McDaniel reported that Marion Johnson is compliant and has until December 31, 2019 to pay the remainder of her fine. No action on the case.

#### **William Nichols**

KYPRN reported William Nichols has requested that his monitoring be put on hold and he is currently not being tested.

#### **Cheryl Pasquariello**

Ms. McDaniel reported that Cheryl Pasquariello is compliant. No action on the case.

#### **Melissa Pearl**

Ms. McDaniel reported that Melissa Pearl is compliant. No action on the case.

#### **Jason Rigsby**

KYPRN reported that Jason Rigsby is compliant. No action on the case.

#### **Rebecca Shackleford**

Ms. McDaniel reported that Rebecca Shackleford is compliant. No action on the case.

#### **Sara Sparks**

KYPRN reported that Sara Sparks is compliant. Ms. McDaniel reported that Ms. Sparks monitoring will be complete on December 18, 2019. No action on the case

### **Active Complaint Cases**

1. Debbie Muchlenbein #7248 – Complaint by S. Pettinichi, Norton Children's Hospital – Ms. McDaniel reported that the Board has received the Findings of Fact, Conclusions of Law and Order from the hearing officer. The Board also reviewed the Exception to Hearing Officer's Recommended Order for Complainant and Respondent's Objections to the Complainant Exceptions. After thorough review and discussion, Mr. Garrison made a motion to accept the Hearing Officer's recommendation and dismiss the case. Dr. McCormick seconded the motion. Motion carried unanimously.

2. Samantha Adkins #4773 – Ms. McDaniel reported that the Administrative hearing was cancelled and that Ms. Adkins has signed an Agreed Order of voluntary surrender. No further action on the case.

### **New Business**

1. An election was held for Chair and Vice-Chair of the Board. Mr. Baxter voiced his desire to be a candidate for Chair and Mr. Garrison voiced his desire to continue as Vice-Chair. With no other candidates for the positions, Mr. Heckman made a motion to elect Thomas Baxter as Chair and William Garrison as Vice-Chair. Dr. McCormick seconded the motion. Motion carried unanimously.

2. Mr. Roark made a motion to set the 2020 meeting dates as follows, February 20, April 16, June 18, August 20, October 15 and December 10. Mr. Garrison seconded the motion. Motion carried unanimously.

3. Application Review - Ms. McDaniel reported that there were **33** Mandatory applications, **21** of which were Reciprocity applications, **13** Limited Mandatory (student) applicants and **5** Temporary Mandatory applicants.

Dr. McCormick made a motion to accept all 51 new applications. Mr. McKenney seconded the motion. Motion carried unanimously.

The following **Limited Mandatory applications (13)** were approved: Shayne E. Abrams, Jeremy Burke, Andrea Coffey, Whitney Crews, Kelsey Dubuc, Hannah Hodges, Kaitlen Inman, Jennifer Issacs, Travis Parman, Katherine Rose, Kimberly Standifer, Jeanne Thomas and Emily Vanderpool.

The following **Mandatory applications (33)** were approved: Crystal Blankenship, Jenna Hancock, Sandra Harper, Scott Jensen, Stephanie Maxie, Barbara McCormick, Kayla Moore, Chastine Owens, Nana Nsaku, Susan Runyon, Shannon Stidham and Fazilah Tom.

**Reciprocity:** Samantha Breen, Stephanie Dickerson, Michael Jarrett, Susan Auffort, Jed Ocrdero-Pichardo, Deborah Dupree, Russehitta Green, Dawn Jones, Nicole Keen, Alicia

Kleinert, Lorie Lukcevic, Justh Patton, Amber Peach, Emily Seitz, Cassie Simpson, Melanie Smith, Mary Sosnowski, Jeremiah Stidham, Kayla White, Mandy Willsie, and Sharon Fowler.

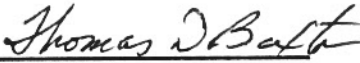
The following **Temporary applications (5)** were approved: Danielle Cameron, Aleasha Stringer-Carter, Brianna Flatt, Summer Hale and Tiffany Coffey.

Ms. McDaniel had the following application issues to report:

1. Nicholas Thompson #8113 reported on his renewal application, a misdemeanor conviction for domestic violence from June 2018. Mr. Roark made a motion to renew the license of Mr. Thompson and to send a letter of admonishment. Mr. McKenney seconded the motion. Motion carried unanimously.
2. Amber Grubb #7664 reported on her renewal application, a misdemeanor for DUI. Mr. Heckman made a motion to make an offer of Agreed Order for Ms. Grubbs. That if Ms. Grubbs agrees to these terms, her license will be renewed.  
The terms of the Agreed Order will be as follows: One-year suspension with that suspension probated for one year on the condition that she is compliant with the terms set forth in a KYPRN agreement.
3. Ms. McDaniel presented a case of student licensee who has been charged with a felony and stated that the student licensee will graduate soon and request a license. Mr. Kerr explained to the Board KRS 335B regarding licensing of a person based solely on a prior conviction of a crime.

#### **Announcements**

1. Ms. McDaniel reported that the next meeting would be Thursday, February 20, 2020 at 5:30 p.m., EST at Residence Inn, Keeneland Meeting Room, 3110 Wall St., Lexington, KY.
2. Approval of Per-diem, Compensation, Travel and Honoraria – Mr. Garrison made a motion to approve the payment of per diem, compensation, travel at 41 cents per mile, and honoraria for board members. Mr. McKenney seconded the motion. Motion carried unanimously.
3. Dr. McCormick made a motion to adjourn the meeting. Mr. Roark seconded the motion. Motion carried unanimously. Meeting adjourned at 7:55 p.m.

  
Thomas D. Baxter, Chair  
KY Board of Respiratory Care